

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING  
CODE OF ETHICS

I. General Principles

The following Code of Ethics is adopted by the New Jersey Council on Affordable Housing pursuant to the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12, et seq.

The New Jersey Council on Affordable Housing, established under the Fair Housing Act, has primary jurisdiction for the administration of governmental housing obligations in this State in accordance with sound regional planning considerations. In enacting the Fair Housing Act, the Legislature determined that "[t]he interest of all citizens, including low and moderate income families in need of affordable housing, would be best served by a comprehensive planning and implementation response" to the Mount Laurel obligation. In order to ensure that a range of the interest was considered in addressing the State's housing deficit, the Council was established to have a voting membership of nine members who represent the interests of county and local government, households in need of low and moderate income housing, a builder of such housing, and the public at large.

The New Jersey Conflicts of Interest Law, N.J.S.A. 52: 13D-12 et seq., governs the conduct of State officials and employees. In enacting the Conflicts of Interests Law, the Legislature determined that to ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct, and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. N.J.S.A. 52:13D-12(b).

Therefore, to guide and govern the conduct of members, employees and agents of the New Jersey Council on Affordable Housing the following Code of Ethics is hereby adopted.

The New Jersey Council on Affordable Housing expressly recognizes that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government, that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature, and that standards of conduct should separate those conflicts which are unavoidable in a free society from those which are substantial and material, or which bring government into disrepute.

Nothing in this Code of Ethics shall alter or impair restrictions on the conduct of Council members, employees or agents imposed by the Fair Housing Act, the Conflicts of Interest Law, or any other applicable statute. It is recommended that all members, employees and agents of the Council familiarize themselves with the provisions of the Conflicts of Interest Law.

Any Council member, employee or agent should seek an opinion from the Executive Commission on Ethical Standards when it is uncertain whether a proposed interest or activity would conflict with the established guidelines contained in the following Code of Ethics or the New Jersey Conflicts of Interest Law.

## II. DEFINITIONS

As used in this Code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

- a. "Council" means the New Jersey Council on Affordable Housing.
- b. "Member" means a member of the New Jersey Council on Affordable Housing appointed by the Governor pursuant to the Fair Housing Act, P.L. 1984 c. 222; a member of the Council is a special State officer as that term is defined by the Conflicts of Interest Law.
- c. "Employee" means any person holding permanent, regular employment with the New Jersey Council on Affordable Housing; an employee of the Council is a State officer or employee as that term is defined by the New Jersey Conflicts of Interest Law.
- d. "Agent" means any consultant or other independent contractor retained by the New Jersey Council on Affordable Housing and any employee of such consultant or independent contractor.
- e. "Member of the immediate family" of any person means the person's spouse, child, parent, or sibling residing in the same household.

Any dispute as to the meaning of any of the above terms, or any other terms or phrases as used in this Code of Ethics, shall be resolved by reference to the New Jersey Conflicts of Interest Law.

## III. ACCEPTANCE OF GIFTS

a. No member or employee of the Council shall accept from any person, whether directly or indirectly and whether by himself or through his spouse or any member of his family, or through any partner or associate, any gift, favor, service, employment or offer of employment or any other thing of value which he knows or has reason to believe is offered to him with intent to influence him in the performance of his public duties and responsibilities. This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office. See, N.J.S.A. 52: 13D-14.

b. No member or employee of the Council shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to his official duties, except reasonable fees for speeches or published works on matters within his official duties and except, in connection therewith reimbursement of actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of New Jersey. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office. See, N.J.S.A. 52: 13D-24.

c. No member or employee of the Council shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered with a purpose of influencing him in the discharge of his official duties. See, N.J.S.A. 52:13D-23(e)(6).

#### IV. APPEARANCES BEFORE THE STATE AND THE COUNCIL

a. No member or employee of the Council, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the Council. See, N.J.S.A. 52:13D-16(a).

b. No employee of the Council, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency. See, N.J.S.A. 52:13D-16(b).

c. Nothing in this section shall be deemed to prohibit any member or employee of the Council from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding pending before any court of record of this State, any proceeding in regard to a claim for compensation arising under Chapter 15 of Title 34 of the revised statutes (Workers' Compensation), any proceeding in connection with the determination or review of transfer inheritance or estate taxes, any proceeding in connection with the filing of corporate or other documents in the office of the Secretary of State, any proceeding before the Division on Civil Rights, the New Jersey State Board of Mediation or the New Jersey Public Employment Relations Commission, the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention pursuant to P.L. 1952 c. 174 S 5 (C. 39:6-65), or any successor thereof or any proceeding on behalf of a county, municipality or school district or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending. See, N.J.S.A. 52:13D-16(c).

d. No employee of the Council shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, whether by himself or by or through any partnership, firm or corporation in which he has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations, the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself in negotiations or proceedings concerning his own interest in real property. See, N.J.S.A. 52: 13D-15

## V. CONTRACTING WITH THE STATE

a. No employee of the Council or member of the Council having duties or responsibilities in connection with the purchase or acquisition of property or services by the Council shall knowingly himself, or by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his undertake or execute, in whole or part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency; provided, however, that the provisions of this subsection shall not apply to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which, (2) pursuant to section 5 or chapter 48 of the laws of 1944 (C.52:34-10), may be made, negotiated or awarded without public advertising or bids or (b) any contract of insurance entered into by the director of the Division of Purchase and Property pursuant to section 10 of article 6 of chapter 112 the laws of 1944 (C. 52:27B-62), if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Executive Commission on Ethical Standards if an employee of the Council has an interest therein which would otherwise be forbidden by this subsection. N.J.S.A. 52: 13D-19.

b. No member or employee of the Council shall act as officer or agent for a State agency for the transaction of any business with himself or with a corporation, company, association or firm in the pecuniary profits of which he has an interest (except that ownership or control of 10% or less of the stock of a corporation shall not be deemed in interest within the meaning of this subsection). See, N.J.S.A. 52:13D-20.

## VI. OUTSIDE EMPLOYMENT AND OTHER INTERESTS

a. Employees of the Council shall disclose all business activity or outside employment to the executive director, or his designee, prior to being undertaken, and shall be subject to his approval. All outside employment disclosures must be forwarded to the Executive Commission on Ethical Standards. Each opinion of the executive director shall be forwarded to the Executive Commission on Ethical Standards for approval, disapproval, or modification. All Council employees who have any interest in organizations doing business with the State shall file an annual report with the executive director detailing the extent of their interest in any such organizations. Any employee may submit such a disclosure report to the Executive Commission on Ethical Standards for an opinion as to whether such outside interest or activity conflicts with the guidelines established in this Code of Ethics or with the Conflicts of Interest Law. "Business activity" as used in this section shall not include stockholdings unless the share held represents a majority holding or unless the stock held is in a company or interest that is involved with the production of housing.

b. No employee or member of the Council shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest. N.J.S.A. 52:13D-23(e)(1).

c. No employee or member of the Council shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without properly filing notice of such activity with the Executive Commission on Ethical Standards. See, N.J.S.A. 52:13D-23(e)(2).

d. No employee or member of the Council shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties. See, N.J.S.A. 52:13D-23(e)(5).

e. No employee or member of the Council shall act in his official capacity in any matter wherein he has a direct or indirect personal, financial interest that might reasonably be expected to impair his objectivity or independence of judgment. See, N.J.S.A. 52:13D-23(e)(4).

f. Any employee or member of the Council licensed by a specific agency of State Government to engage in any particular business, profession, trade or occupation shall so notify the executive director or the executive director's designee on either:

1. The date of the adoption of this Code; or
2. The date of his or her employment or appointment with the council; or
3. The date that he or she receives his or her license.

Such licenses shall include, but are not limited to, those for accountants, architects, attorneys, electricians, insurance brokers, land surveyors, mortgage bankers and brokers, plumbers, professional engineers, professional planners, real estate agents and brokers.

g. It is the policy of the Council on Affordable Housing that its members, employees and agents disclose to the Council any actual or potential conflict between their personal interests and the interests of the Council. Questionnaires making such disclosure in compliance with this policy shall be filed annually with the executive director. It shall be the continuing responsibility of all members and employees to promptly report to the executive director any activity or interest which may pose an actual or potential conflict of interest. Such activity or interest shall include but is not limited to:

1. Any interest or activity of any Council member or employee, or any member of his or her immediate family, in any entity or organization which appears before the Council, or transacts any business with the Council, including any submission made on behalf of a municipality or an objector.
2. Any interest or activity of any Council member or employee, or his or her immediate family, in any entity or organization which proposes to construct housing, or perform other services related thereto, as contained in a proposed fair share plan or housing element, or a petition for substantive certification, which is submitted to the Council for review.
3. Any Council member or employee should seek an opinion from the Executive Commission on Ethical Standards when it is uncertain whether a proposed outside interest or activity would conflict with the established guidelines contained herein, or contained in the Conflicts of Interest Law, or would require disclosure pursuant to this Code or the Conflicts of Interest Law.

## VII. MISUSE OF OFFICIAL POSITION OR INFORMATION

a. No member or employee of the Council shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties. No member or employee of the Council shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties. See, N.J.S.A. 52: 13D-25.

## VIII. APPEARANCE OF IMPROPRIETY

a. Members and employees of the Council shall at all times strive to hold the respect and confidence of the people and shall therefore avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated. See, N.J.S.A. 52:13D-12(a).

## IX. POST-EMPLOYMENT RESTRICTIONS

a. No Council member or employee, subsequent to the termination of his office or employment, shall represent, appear for or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such member or employee shall have made any investigation, rendered any ruling, given any opinion, or had been otherwise substantially and directly involved at any time during the course of his office or employment. Any person who willfully violates the provisions of this subsection is a disorderly person, and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 6 months, or both. See, N.J.S.A. 52: 13D-17.

## X. CASINO RELATED RESTRICTIONS

a. As used in this section "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting Casino activity; any special State officer or employee with responsibility for matters affecting Casino activity. Any question regarding the definition of "person" as used in this section shall be resolved by reference to the definition of that term as contained in the Conflicts of Interest Law at N.J.S.A. 52:13D-17.2(a).

b. No Council employee, nor any person, nor any member of the immediate family of any Council employee, or person, nor any partnership, firm or corporation with which any such employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a Casino license, or any holding or intermediary company with respect thereto in connection with any cause, application, or matter. See, N.J.S.A. 52:13D-17.2(b).

c. No member of the Council without responsibility for matters affecting Casino activity, shall hold, directly or indirectly, an interest in, [or hold employment with,] or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a Casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter except when such interest is held or activities are carried out by the member of the Council as an employee of such entity. See, N.J.S.A. 52:13D-17.2(b).

d. No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall within 2 years next subsequent to the termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a Casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a Casino license in connection with any phase of Casino development, permitting, licensure or any other matter whatsoever related to Casino activity. See, N.J.S.A. 52:13D-17.2(c).

e. This section shall not apply to the spouse of a Council employee, which employee is without responsibility for matters affecting Casino activity, who becomes the spouse subsequent to the employee's appointment or employment and who is not individually or directly employed by a holder of, or applicant for, a Casino license, or any holding or intermediary company. See, N.J.S.A. 52:13D-17.2(d).

f. The requirements of this section notwithstanding, in the event that the Legislature amends, repeals or suspends Section 4 of P.L. 1981 c. 142 (C.52:13D-17.2), in whole or in part, the companion sections of this Code shall to the same extent be deemed, amended, repealed or suspended.

## XI. INDUCEMENT TO VIOLATE CODE OF ETHICS

a. No person shall induce or attempt to induce any member or employee of the Council to violate any provision of the Conflicts of Interest Law or this Code of Ethics. Any person who willfully violates any provision of this section is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months, or both. See, N.J.S.A. 52:13D-26.

## XII. EXECUTIVE COMMISSION ON ETHICAL STANDARDS

a. The Executive Commission on Ethical Standards is for enforcing the Conflicts of Interest Law and its provisions. It has jurisdiction to initiate, receive hear and review complaints concerning violations of the Conflicts of Interest Law or this Code of Ethics, and is authorized to render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of those provisions.

b. Any member or employee of the Council found guilty by the Commission of a violation of any provision of the Conflicts of Interest Law or of this Code of Ethics may be fined not less than \$100.00 no more than \$500.00 and may be suspended from his office or employment by order of the Commission for a period of not in excess of 1 year. If the Commission finds that the conduct of such member or employee constitutes a willful and continuous disregard of the provisions of the Conflicts of Interest Law or of this Code of Ethics, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period not exceeding 5 years. See, N.J.S.A. 52: 13D-21.



COUNCIL ON AFFORDABLE HOUSING  
CONFLICT OF INTEREST QUESTIONNAIRE

1. Are you currently engaged in any business, trade, profession, part-time or full-time employment outside of or in addition to your position with the New Jersey Council On Affordable Housing? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, describe in detail the duties of your outside work, name and address of each employer, type of service provided, number of hours worked per week, and method of compensation (salary or commission).

2. Do you have any business interest(s), either public or private, i.e., are you a principal stockholder or partner in an outside business? Yes\_\_\_\_\_ No\_\_\_\_\_.

If yes, describe in detail your property holdings and/or connection with firms including location, name, degree of interest, (e.g. partner, owner).

3. Are you self-employed, i.e., do you have a private practice? Yes\_\_\_\_\_ No\_\_\_\_\_ .

If yes, describe in detail the service you provide, the trade name and location of your business.

4. List all professional licenses you have (e.g. real estate, planning, architecture, accounting, engineering).
5. If the profession, trade, or occupation is subject to licensing or regulation by a State government agency, you must file notice of such activity with the Council who will forward notification to the Executive Commission on Ethical Standards.
6. All Council employees are required to notify the Executive Director of their intent to seek elective office and/or to accept appointed office. This includes, but is not limited to, the following examples - township/city committee or council, school board, planning board, sewer authority' board of freeholders, etc.

The information you supply us with will remain confidential and will be kept in a secure location The Council will review the information and will notify you if there is any conflict of interest.

Signature\_\_\_\_\_ Date\_\_\_\_\_

NOTE: Completed questionnaires are to be forwarded to the Executive Commission on Ethical Standards.

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING EMPLOYEES' DISCLOSURE  
STATEMENT

Employee Name: \_\_\_\_\_

Nature of Event: \_\_\_\_\_

Nature of Proposed Participation (Speech, Attendance, etc.)

\_\_\_\_\_  
\_\_\_\_\_

Approximate Value, if known: \_\_\_\_\_

Invitation Extended by: \_\_\_\_\_

Firm/Individual's Relationship to Council: \_\_\_\_\_

\_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Council should pay cost: \_\_\_\_\_

Notify DCA Commissioner: \_\_\_\_\_

Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Arthur Bernard  
Executive Director

\_\_\_\_\_  
Date